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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Albertsen et al. | Art Unit: 1638
Serial No.: 10/058,566 |
Filed: January 28, 2002 | Examiner: A. Kubelik
For: NUCLEOTIDE SEQUENCES |
MEDIATING MALE FERTILITY AND
METHOD OF USING SAME

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents
Washington, D.C. 20531

Dear Sir,

In response to the Restriction Requirement dated July 3, 2003, the Applicant elects Group II, with traverse.

The Applicant traverses the separation of claims 1, 27-28, 30-33 and 35-55 of Group II from claims 56-57 of Group V. The claims of Group II are the BS92-7 promoter, expression vectors, plants and plant cells containing the promoter and method of using it to impact fertility. Claims 56 and 57 are to methods of producing hybrid seeds using the essential regions for transcription of the BS92-7 gene. An independent search of the sequences is not necessary; one search of the BS92-7 promoter will suffice to include the promoter and its essential regions.

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

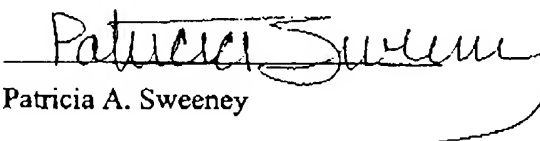
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July 25 2003
Date

Patricia F. Sweeney
Patricia F. Sweeney

For the foregoing reasons, reconsideration of the Restriction Requirement is requested, and inclusion of claims 56 and 57 in the elected group.

Respectfully submitted,


Patricia A. Sweeney

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